

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALICE CREACH and )  
LUTHER CREACH, ) Civil Action  
 ) No. 02-CV-03782  
 Plaintiffs )  
 )  
 vs. )  
 )  
 FASHION BUG OF WALNUTPORT, INC., )  
 doing business as )  
 FASHION BUG, )  
 ARMO, INC., )  
 BLACKSHIRE CONSTRUCTION, INC., )  
 RD MANAGEMENT CORP., )  
 )  
 Defendants )  
 )  
 vs. )  
 )  
 DOLLAR TREE STORES, )  
 )  
 Third Party Defendant )

RULE 16 OFFICE CONFERENCE SCHEDULING ORDER

NOW, this 12<sup>th</sup> day of February, 2003,

IT IS ORDERED that a Rule 16 conference is scheduled on Friday, March 21, 2003, at 1:30 o'clock p.m. in the chambers of Judge James Knoll Gardner, Edward N. Cahn United States Courthouse, Suite 4701, 504 W. Hamilton Street, Allentown, Pennsylvania.

IT IS FURTHER ORDERED that the lead trial counsel of record for each party, and each unrepresented party, shall attend the conference. No substitutions will be permitted unless authorized by Judge Gardner at least 48 hours prior to the conference.

IT IS FURTHER ORDERED that at the conference counsel and unrepresented parties shall be prepared to discuss (where applicable) the following:

1. Deadlines (if applicable) for:
  - (a) filing and responding to pleadings;
  - (b) amendment of pleadings;
  - (c) discovery, including the submission of expert reports;
  - (d) motions, and cross-motions, for summary judgment, and responses;
  - (e) other dispositive motions;
  - (f) motions in limine;

(g) pre-trial memoranda.

2. Proposed trial dates. (Counsel shall have their trial calendars available).
3. Length of trial.
4. Attachments of trial counsel before other courts in this and other jurisdictions during the trial term.
5. Witness availability.
6. Other scheduling considerations.
7. Whether the case shall be tried with or without a jury.
8. Number of jurors.
9. Juror voir dire.
10. Legal issues to be resolved prior to trial.
11. Any unique or unusual factual, legal, or procedural, aspects of the case.
12. Logistical problems requiring court attention.
13. Settlement negotiations history (in jury trial cases).
14. Settlement (in jury trial cases).
15. Status of pending motions.

IT IS FURTHER ORDERED that counsel and unrepresented parties shall provide Judge Gardner<sup>1</sup> by mail, delivery service, fax, or e-mail to be received by Judge Gardner not later than seven days prior to the conference, an informal memorandum which shall not exceed two pages in length and which shall include the following information:

1. A brief statement of the facts.
2. The party's liability contentions.
3. The party's damages contentions.

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<sup>1</sup> The memoranda may be forwarded to Judge Gardner by mail at Edward N. Cahn United States Courthouse, 504 West Hamilton Street, Suite 4701, Allentown, PA 18101; by fax at (610) 434-3459; or by e-mail addressed to Chambers\_of\_Judge\_James\_Knoll\_Gardner@paed.uscourts.gov

4. Enumeration of all special or liquidated damages claimed.
5. History of settlement negotiations, including all demands and offers.<sup>2</sup>

IT IS FURTHER ORDERED that continuances will be granted only in extraordinary circumstances. Continuance requests shall be signed by one counsel of record for each represented party and by each unrepresented party. Continuance requests shall be submitted at least ten days prior to the conference on a form approved by Judge Gardner.

By:

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CHERYL E. SINCLAIR  
Civil Deputy Clerk to  
Judge James Knoll Gardner  
Phone: (610) 434-3457

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<sup>2</sup> History of settlement negotiations shall be provided only in cases in which a jury trial has been requested. Settlement negotiation history should not be provided in cases in which the trial will be conducted without a jury.